



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

TO: BOARD OF SUPERVISORS

FROM: BRIAN PEDROTTI, POLICY AND PROGRAMS DIVISION

DATE: NOVEMBER 25, 2014

SUBJECT: PLANNING COMMISSION ACTION ON THE CLEAN-UP AMENDMENTS TO TITLE 21 – REAL PROPERTY DIVISION ORDINANCE AND TITLE 22 – LAND USE ORDINANCE (LRP 2014-00002)

The Planning Commission of the County of San Luis Obispo held a public hearing on August 28, 2014 to consider the proposed minor “cleanup” amendments to Real Property Division Ordinance and Land Use Ordinance, Title 21 and Title 22 of the County Code respectively. After consideration of the amendments, the Planning Commission recommended that the Board amend these sections with minor “cleanup” revisions.

The San Luis Obispo County Planning Commission recommends to the Board of Supervisors of the County of San Luis Obispo, State of California, approval of proposed General Plan Amendment LRP 2014-00002.

On the motion of Commissioner Meyer, seconded by Commissioner Topping, and on the following roll call vote, to wit:

AYES: Commissioners Meyer, Topping, Campbell and Chairperson Murphy.

NOES: None

ABSENT: Commissioner Irving

21.09.040 - Use of fees and dedicated land

The director of general services shall develop a schedule specifying how, where, and when the county will use the land or fees or both to develop park or recreational facilities to serve the residents of the subdivision. The fees that are collected shall be placed into five zones reflecting geographic areas of common interest for parks and recreation needs based upon the following Planning Areas and sub-areas:

Fee Zone ~~Area~~ 1:

- Adelaida Sub-area of the North County Planning Area
- El Pomar-Estrella Sub-area of the North County Planning Area
- Nacimiento Sub-area of the North County Planning Area, and
- Salinas River Sub-area of the North County Planning Areas

Fee Zone ~~Area~~ 2:

- Estero ~~and North Coast~~ Planning Areas
- North Coast Planning Area

Fee Zone ~~Area~~ 3:

- San Luis Bay (~~C~~oastal and inland) and San Luis Obispo Planning Areas
- San Luis Obispo Planning Area
- San Luis Obispo Sub-area (south) of the South County Planning Area
- San Luis Bay Inland Sub-area (south) of the South County Planning Area

Fee Zone ~~Area~~ 4

- South County (~~C~~oastal and inland) Planning Area
- South County Sub-area of the South County Planning Area

Fee Zone ~~Area~~ 5

- Carrizo Planning Area
- Huasna-Lopez Sub-area of the South County Planning Area
- Las Pilitas Sub-area of the North County Planning Area,
- Shandon-Carrizo Sub-area (north) of the North County Planning Area
- ~~Huasna-Lopez~~, and Los Padres Sub-area (north) of the North County Planning Areas
- Los Padres Sub-area (south) of the South County Planning Area

The fees that are collected shall be expended in the geographic area where the fees have been collected as established above. All fees collected under this ordinance shall be committed within five years of payment of said fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

21.02.048 - 050

- (12) **Preliminary grading, drainage, and erosion control plan.** For a tentative map with proposed parcels of one acre or less in size or with proposed parcels with an average slope of greater than ten percent, a preliminary plan for grading, drainage and erosion control may be required to be submitted by the applicant if the planning director determines that such information is necessary for adequate review of the application. [Amended 1993, Ord. 2602]
- (13) **Public services.** Names and addresses of all public entities or utilities which will provide services to the subdivision.
- (14) **Restrictive covenants.** A copy of any restrictive covenants proposed.
- (15) **Justification.** Justification and reason for any adjustments to the provisions of Section 21.03.010 or the standard improvement specifications and drawings that are requested pursuant to Section 21.03.020 of this title. [This justification includes any request for common open space credit in lieu of Quimby fees pursuant to Section 21.09.020.](#)
- (16) **Other information.** Any additional information required by the list(s) maintained by the planning department, prepared under Government Code section 65940, which specify in detail information required to be submitted prior to the determination by the planning department that an application is complete.[Amended 1992, Ord. 2581]

Recommendation 1 - Attachment A

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(9)	RL	RR	RS	RSF	RMF	
RESIDENTIAL USES							
Caretaker Quarters	P	P	P	P			22.30.030,430
Farm Support Quarters	A2	A2					22.30.480
Home Occupations	P	P	P	P	P	P	22.30.030,230
Mobile Home Parks			CUP(7)	CUP(7)	CUP(7)	CUP(7)	22.30.440
Mobile Homes	P	P	P	P	P	P	22.30.450
Multi-Family Dwellings						A1	22.30.490,500
Nursing & Personal Care				CUP		CUP	22.30.320
Organizational Houses						CUP	22.30.460
Residential Accessory Uses	P(8)	P(8)	P(8)	P(8)	P(8)	P(8)	22.30.030,410
Residential Care - 6 or fewer boarders	P(6)	P(6)	P(6)	P(6)	P(6)	P(6)	22.30.420
Residential Care - 7 or more boarders	CUP	CUP	CUP	CUP	CUP	CUP	22.30.420
Secondary Dwellings			P	P	P		22.30.470
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.480,490,500
Small Lot Single Family					A2	A2	22.30.475
Supportive Housing							
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.490,500
Multi-Family Dwellings						A1	22.30.490,500
Temporary Construction Trailer Parks	CUP(7)	CUP(7)	CUP(7)				22.30.590
Temporary Dwellings	P	P	P	P	P	P	22.30.600
Transitional Housing							
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.490,500
Multi-Family Dwellings						A1	22.30.490,500

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

Recommendation 1 - Attachment A

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TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

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	OP	CR	CS	IND	OS	REC	PF	
RESIDENTIAL USES								
Caretaker Quarters	P	P	P	P	SP(5)	P	P	22.30.030,430
Farm Support Quarters								22.30.480
Home Occupations	P	P	P	P		P	P	22.30.030,230
Mobile Home Parks						CUP(7)		22.30.440
Mobile Homes						P	P	22.30.450
Multi-Family Dwellings	A2	A2				A2		22.30.490,500
Nursing & Personal Care	A1	CUP					A1	22.30.320
Organizational Houses	CUP	CUP						22.30.460
Residential Accessory Uses	P(8)	P(8)	P(8)	P(8)	SP(5)(8)	P(8)	P(8)	22.30.030,410
Residential Care - 6 or fewer boarders							P(6)	22.30.420
Residential Care - 7 or more boarders	CUP						A1	22.30.420
Secondary Dwellings								22.30.470
Single-Family Dwellings	A2	A2				A2		22.30.480,490,500
Small Lot Single Family								22.30.475
Supportive Housing								
Single-Family Dwellings	A2	A2				A2		22.30.400,500
Multi-Family Dwellings	A2	A2				A2		22.30.400,500
Temporary Construction Trailer Parks				CUP(7)				22.30.590
Temporary Dwellings	P	P	P	P		P	P	22.30.600
Transitional Housing								
Single-Family Dwellings	A2	A2				A2		22.30.490,500
Multi-Family Dwellings	A2	A2				A2		22.30.490,500



NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) No land use permit required for Residential Care facilities with 6 or fewer clients.
- (7) Use also requires authorization from the California Department of Housing and Community Development.
- (8) Residential antennas may have different permit requirements. See Section 22.30.410.
- (9) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See KEY TO PERMIT REQUIREMENTS on previous page.

22.10.070 - Flammable and Combustible Liquids Storage (pg. 3-14)

- E. **Setbacks.** Aboveground storage facilities for flammable or combustible liquids shall be set back 50 feet from any property line or residential use, or as otherwise required by the Uniform Fire Code or ~~Uniform Building Code~~ [California Building Standards Code](#) where a smaller setback is allowed by those codes.

22.10.080 - Fencing and Screening (pg. 3-15 to 3-17)

22.10.080.A.5

5. **Swimming pools.** Yard areas with private swimming pools shall be fenced in compliance with the ~~Uniform Building Code~~ [California Building Standards Code](#).

22.10.080.C Notes under Table on pg 3-16 to 3-17

- C. **Standards for fencing and screening materials.** All fencing and screening shall comply with the following material and height limitations based on the location of the fence:

Notes:

- (1) Solid wood or masonry materials, or plant materials that comply with Subsection E., or other solid materials approved by the Department.
- (2) Open wire or chain link or other materials approved by the Department that permit the passage of a minimum of 90 percent of light.
- (3) Must be authorized by a building permit and constructed consistent with the requirements of the ~~Uniform Building Code~~ [California Building Standards Code](#).

22.10.080.D

- D. **Gateposts.** Gateposts and other superstructures over site entrances and exits may be up to 14 feet 6 inches in height as measured from the surface of the ground to the bottom of the structure, but in no case shall the top of the structure be more than two feet above that height; provided that any gateposts or superstructures above six feet six inches in height shall not block visibility of the front entrance to the dwelling from the street or adjacent properties and will not impair safe sight distances for vehicle traffic and are authorized by a building permit and constructed consistent with the requirements of the ~~Uniform Building Code~~ [California Building Standards Code](#).

22.10.140 – Setbacks (pg. 3-35 to 3-42)

- A. **Exceptions to setback standards.** All proposed development and new land uses shall comply with the minimum setback requirements of this Chapter **except** the following (see also Subsection H., Projections Into Required Setbacks):
2. Decks, terraces, steps, earthworks and other similar landscaping or design elements placed directly on finished grade that do not exceed an average height of 30 inches above the surrounding finished grade, provided that no such wood

structure shall extend closer than 36 inches to a property, unless it complies with applicable fire resistive construction requirements of the ~~Uniform Building Code~~ [California Building Standards Code](#).

D. Front setbacks. The front setback is established parallel or concentric to the front property line. Front setback landscape and fencing standards are in Chapter 22.16, and Section 22.10.080, respectively.

2. Residential uses. All residential uses except for second-story dwellings over a commercial or office use shall have a minimum front setback of 25 feet, except as follows:

d. Planned development or cluster division. Where a new residential land division is proposed as a planned development, condominium or cluster division (Sections 22.22.140 and 22.22.145), front setbacks may be determined through Conditional Use Permit approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the ~~Uniform Building Code~~ [California Building Standards Code](#) or Section 22.22.145, whichever is greater.

E. Side setbacks. The side setback is measured at right angles to the side property line to form a setback line parallel to the side property line, which extends between the front and rear setback areas.

3. Accessory buildings or structures. A side yard may be used for an accessory building or structure no greater than 12 feet in height, provided that it is not used for human habitation and is either:

b. Established on the property line as a common wall structure in compliance with Subsection E.6, or as a zero lot line structure, provided that all applicable ~~Uniform Building Code~~ [California Building Standards Code](#) requirements are satisfied for a property line wall.

4. Commercial and Industrial land use categories. No side setback is required in the Commercial or Industrial land use categories, except:

b. Where required by the ~~Uniform Building Code~~ [California Building Standards Code](#); or

6. Side setbacks for special development types.

b. Common wall development. Any two dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:

(4) Common wall construction is in compliance with the ~~Uniform Building Code~~ [California Building Standards Code](#).

G. Interior setbacks and open areas. Detached buildings located on the same site shall be separated as follows:

3. **Non-residential buildings.** Set by the ~~Uniform Building Code~~ [California Building Standards Code](#).

H. **Projections into required setbacks.** The setback requirements of this Title are modified as follows:

1. **Decks.** When constructed higher than 30 inches above the surrounding finish grade, a wood deck may extend into required setbacks as follows (decks less than 30 inches high are exempt from these requirements - see Subsection A.):
 - b. **Side setback.** As determined by Sections 1206 and 1710 of the ~~Uniform Building Code~~ [California Building Standards Code](#).
2. **Fire escapes.** A ladder or stairs designed to be used exclusively as an upper floor fire escape may project into a required setback only as provided by Sections 1206, 1710 and 3305(n) of the ~~Uniform Building Code~~ [California Building Standards Code](#).
3. **Roof and wall features.** Cantilevered and projecting architectural features including chimneys, bay windows, balconies, cornices, eaves, rain gutters, signs (where allowed), display windows, and solar collectors may project into a required setback up to one-third the width of the required setback, only as allowed by Sections 504, 1206 and 1710 of the ~~Uniform Building Code~~ [California Building Standards Code](#), provided that the bottom edge of the projection shall be located either higher than eight feet or lower than four feet above finish grade.
4. **Porches.**
 - b. **Allowed projection.** Porches may project into required setbacks as follows.
 - (2) **Side porch.** A porch and/or outside stairway may be located in a required side setback provided the porch does not extend into the side setback more than allowed by Section 1206, 1710 and 3305(n) of the ~~Uniform Building Code~~ [California Building Standards Code](#).

22.30.060 - Agricultural Accessory Structures (pg. 4-15)

- D. **Front setback.** 50 feet, unless a greater setback is otherwise required by Section 1108(b) of ~~Appendix Chapter 11 of the Uniform Building Code~~ [Title 19 of the County Code](#).

22.30.310 - Nursery Specialties (pg. 4-68 to 4-70)

A. **Agriculture and Rural Lands land use categories.**

5. **Setbacks.** As required by Section 22.30.060 (Agricultural Accessory Structures), unless the ~~Uniform Building Code~~ [California Building Standards Code](#) would require a larger setback because of construction materials.

B. Residential Rural land use category

- 4. Setbacks.** Front - 80 feet; Side and Rear - 100 feet. Side and rear setbacks may be reduced to 50 feet (or as required by the ~~Uniform Building Code~~ [California Building Standards Code](#), whichever is larger) where solid fencing or landscape screening meeting the standards of Section 22.10.080 is provided, or as otherwise determined by Minor Use Permit or Conditional Use Permit approval.

22.30.410 - Residential - Accessory Uses (pg. 4-89)

- C. Garages.** A detached accessory garage may occupy not more than 1,000 square feet per dwelling unit, unless authorized by Minor Use Permit. The size of an accessory garage attached by a common wall to a dwelling is not limited, except as may be required by the ~~Uniform Building Code~~ [California Building Standards Code](#). Workshop or storage space within a garage is included in determining conformance with this standard.

22.30.430 - Residential - Caretaker Units (pg. 92)

- F. Size, type and duration of dwelling unit allowed.** The floor area of a caretaker residence shall not exceed 50 percent of the floor area of the commercial use on the site or 10 percent of the outdoor use area where no commercial building exists or is proposed, to a maximum size of 1,200 square feet. Where a caretaker dwelling is proposed in the Residential Rural or Residential Suburban land use categories, the design standards of Section 22.30.470 shall apply. Caretaker residences shall meet all applicable ~~Uniform Building Code~~ [California Building Standards Code](#) requirements for a dwelling unit unless a mobile home is used and shall be either:

22.30.600 - Temporary Dwellings or Offices (pg. 4-134)

A. General requirements.

- 2. Type of structure.** A temporary dwelling or office may be a mobile home, recreational vehicle, or portable modular building in conformity with the ~~Uniform Building Code~~ [California Building Standards Code](#), except within an urban or village area, a temporary dwelling may only be a recreational vehicle of 29 feet or less in length.

22.52.040 - Administrative Procedures (pg. 5-6)

- A. Compliance with building code.** All grading activities shall be in compliance with the provisions of ~~1997 Uniform Building Code Appendix Chapter 33~~ [Title 19 of the County Code](#), the currently adopted California Building Code, and adopted Appendices, which are hereby adopted and incorporated into this Title by reference as though they were fully set forth herein. In the event of any conflict between the provisions of this Chapter

and the ~~Uniform Building Code~~ [California Building Standards Code](#), or California Building Code, this Title shall apply.

22.52.090 - Review, Approval and Permits (pg. 5-21)

E. Approvals.

3. **Security.** The Director shall require guarantees of performance for all engineered grading plans as set forth in Section 3311 of the ~~1997 Uniform Building Code Appendix Chapter 33~~ [Title 19 of the County Code](#) and Section 22.64.040, to ensure that the work, if not completed in compliance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, or restore the site to pre-graded or natural condition. The Director may also identify other grading permits that require such security to ensure that environmental impacts are mitigated.

22.52.150 – Standards (pg. 5-47 to 5-68)

A. Grading standards.

1. **Excavation standards.** All excavations are to be conducted in compliance with the provisions of Sections 3304 through 3318 of the ~~1997 Uniform Building Code Appendix 33~~ [Title 19 of the County Code](#) and the following standards:
2. **Fill standards.** All fills are to be conducted in compliance with the provisions of Section 3313 of the ~~1997 Uniform Building Code Appendix 33~~ [Title 19 of the County Code](#) and the following standards:
3. **Grading setback standards.** Cut and fill slopes shall be set back from site boundaries in compliance with the provisions of ~~Appendix Chapter 33 of the 1997 Uniform Building Code~~ [Title 19 of the County Code](#) and the following standards:

- G. Testing.** The Director may also require that the applicant pay for testing to be performed by an independent, approved testing laboratory and that the civil engineer issue an opinion to ensure compliance with this ordinance, permit conditions, and/or accordance with the provisions of Title 19 of the County Code and ~~Appendix Chapter 33, 1997 Uniform Building Code~~. The Building Official shall inspect or provide for adequate inspection of the project by appropriate professionals at the various stages of work and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

- J. Final Reports.** Upon completion of the work, the Building Official may require the following reports and drawings:

4. An erosion and sedimentation control report prepared by the certified sediment and erosion control specialist or other qualified, approved professional. This report shall include a final description of the erosion, sediment revegetation and runoff control practices applied on the site. Any new information disclosed during site development and the effect of same on recommendations incorporated in the

approved grading plan shall also be provided. Any required changes shall be noted. The designated specialist shall provide a statement that, to the best of their knowledge, the work within their area of responsibility is in compliance with the approved erosion and sedimentation control plan and applicable provisions of the ~~Uniform Building Code~~ [California Building Standards Code](#) and this Chapter.

- G. Testing.** The Director may also require that the applicant pay for testing to be performed by an independent, approved testing laboratory and that the civil engineer issue an opinion to ensure compliance with this ordinance, permit conditions, and/or accordance with the provisions of Title 19 of the County Code and ~~Appendix Chapter 33, 1997 Uniform Building Code~~ [California Building Standards Code](#). The Building Official shall inspect or provide for adequate inspection of the project by appropriate professionals at the various stages of work and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

22.62.030 - Zoning Clearance (pg. 6-11)

- A. Zoning Clearance application.** Zoning Clearance applications shall include the information required by Section 22.60.040.B, and the following additional information. Drawings shall be neatly and accurately prepared, at an appropriate scale that will enable ready identification and recognition of submitted information.
- 1. Zoning Clearance content.** Zoning Clearance applications shall include a site layout plan containing the following information, using multiple sheets if necessary, except as provided by Section 22.60.040.D (Waivers of Content).
- c. Buildings and structures.** Location, dimensions, and use of all existing and proposed structures on the property, including accessory structures, decks, balconies, fences, walls and other structural elements that protrude into yard areas (when the use of a proposed structure is not certain at the time of application, the occupancy-type as defined by the ~~Uniform Building Code~~ [California Building Standards Code](#) may be substituted for use); height of buildings and structures; elevations (relative height) from the finish floor of the garage or other parking area to the edge of the pavement or road at the driveway entrance.

22.72.060 - Nonconforming Buildings, Structures or Site Development

- B. Additional buildings, structures or uses.** Separate conforming buildings, structures and uses of land may be established on the same site as a nonconforming building or structure, as follows:
- 2. Criteria for approval.** The Review Authority shall not grant a Minor Use Permit in compliance with this Section unless it first determines that the existing building or structure satisfies the following requirements, or will be modified to meet the requirements as a result of conditions of approval.
- b.** The building or structure shall conform with all applicable provisions of Title 19 of this Code and the ~~Uniform Building Code~~ [California Building Standards](#)

[Code](#) regarding the location of buildings on property and the fire resistiveness of exterior walls, parapets and roofs.

22.113.060 - Streets and Roads

C. Other Commitments

1. Design and construction of the buildings, roadway infrastructure and all subgrades shall be engineered to withstand the expected ground acceleration that may occur at this site. The design should take into consideration the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available. All on-site structures shall comply with applicable provisions of the ~~Uniform Building Code~~ [California Building Standards Code](#) and any roadway infrastructure falling within the jurisdiction of the California Department of Transportation shall comply with its most recent seismic design standards.